

**Wittels
McInturff
Palikovic**

July 16, 2024

Via ECF

The Hon. Andrew E. Krause
United States District Court
300 Quarropas St.
White Plains, NY 10601

Re: *Cap 111 Enters. LLC v. Manhattan Beer Distrib., LLC*, No. 22 Civ. 1408 (CS) (AEK)

Dear Judge Krause,

The parties write jointly to request a 30-day stay of this matter pending further settlement discussions and a second private mediation.

By way of brief background, on December 21, 2023, the parties requested a stay to prepare for and attend a mediation on February 8, 2024. ECF No. 160. The Court authorized this stay and thereafter the parties participated in a full-day mediation that concluded without resolution. ECF No. 164. While the litigation resumed in mid-February, the parties have pursued a separate settlement track and have met several times to try to advance settlement negotiations.

Last week, the parties made material progress toward settlement and are in the process of scheduling a second mediation session with the class action mediator that oversaw the first mediation.

To conserve party resources and allow them to focus on settlement, the parties respectfully request that the Court enter a brief 30-day stay of this matter pending their anticipated second mediation.

Regarding the requested stay's effect on currently scheduled dates, the proposed stay would adjourn the upcoming July 26 discovery conference before Your Honor and the related letter submission deadlines set forth in the Court's June 5, 2024, Electronic Order. ECF No. 179.

If the parties are unable to achieve settlement during the pendency of their proposed stay, they will confer and promptly submit a revised proposed scheduling order to address the dates in the current schedule (ECF No. 167) impacted by the stay.

Thank you for the Court's attention to this matter.

Respectfully Submitted,

/s/ J. Burkett McInturff

J. Burkett McInturff

*Counsel for Plaintiffs and the
Proposed Class*

cc: All Counsel of Record (via ECF)